



This document is scheduled to be published in the Federal Register on 10/31/2012 and available online at <http://federalregister.gov/a/2012-26799>, and on [FDsys.gov](http://FDsys.gov)

## **DEPARTMENT OF TRANSPORTATION [4910-RY]**

### **Federal Highway Administration**

#### **Notice of Final Federal Agency Actions on the Tappan Zee Hudson River Crossing Project in New York**

**AGENCY:** Federal Highway Administration (FHWA), U.S. DOT

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal Agencies that are final within the meaning of 23 USC §139(l)(1). The actions relate to the Tappan Zee Hudson River Crossing Project located in Rockland and Westchester Counties, New York. Those actions grant approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 USC §139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before [Insert date 150 days after publication in the Federal Register]. If this date falls on a Saturday, Sunday, or legal holiday, parties are advised to file their claim no later than the business day preceding this date. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Jonathan D. McDade, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, 11A Clinton Avenue, Suite 719, Albany, New York 12207, Telephone (518) 431-4127; or Michael Anderson, P.E., Project Director, New York State Department of Transportation, 4 Burnett Boulevard, Poughkeepsie, New York 12603, Telephone (877) 892-3685; or Ted Nadratowski, P.E., Interim Project Manager, New York State Thruway Authority, 200 Southern Boulevard, Albany, New York, 12209, Telephone (518) 436-2700.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal Agencies have taken final agency actions by issuing approvals for the following highway project in the State of New York: Tappan Zee Hudson River Crossing Project, which crosses the Hudson River between the Village of South Nyack in Rockland County on the west and the Village of Tarrytown in Westchester County on the east. The bridge carries Interstate 87 (New York State Thruway) and Interstate 287. The Tappan Zee Hudson River Project involves the replacement of the existing bridge with two new structures (one each for eastbound and westbound traffic), to the north of its existing location. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on July 27, 2012, in the FHWA Record of Decision (ROD) issued on September 25, 2012, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA, the NYSDOT, or the NYSTA at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at [www.newnybridge.com](http://www.newnybridge.com) or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 USC 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, 42 U.S.C. 7401-7671(q) (Transportation Conformity).
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Wildlife: Endangered Species Act [16 USC 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712], Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 et seq.].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].

7. Water Resources: Coastal Zone Management Act, 16 U.S.C. 1451-1465.
8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 USC §139(l)(1), as amended by Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112-141, § 1308, 126 Stat. 405 (2012).

Issued on: October 24, 2012

---

Jonathan D. McDade  
Division Administrator  
Albany, NY